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OFFICE OF PETITIONS

In re	:
Ando, et al.	:
Application No. 09/662,217	: DECISION REGARDING
Filed: September 14, 2000	: PATENT TERM ADJUSTMENT
Attorney Docket No. 04329.2384	:
	:

This decision is in response to the "NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT", filed June 29, 2006, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **one thousand eighty-six (1086) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

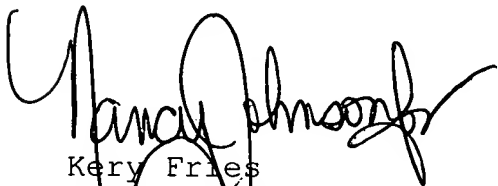
The Office determined a patent term adjustment of one thousand, one hundred thirteen (1113) days based on an adjustment for PTO delay of one thousand, one hundred thirteen (1113) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by zero days of applicant delay.

Applicants state that "after the payment of the Issue Fee on January 12, 2006, they filed a Request for Continued Examination (Request) on March 10, 2006, and the time for the PTO to act on this Request does not appear to have been considered for possible reduction of patent term adjustment."

Applicants are correct. Pursuant to 37 C.F.R. 1.704(c)(10), applicants should have been assessed delay for filing a paper after the mailing of a Notice of Allowance. The Office mailed a Notice of Allowance on October 20, 2005. On January 12, 2006, applicants filed the issue fee. Subsequently, Applicants filed an RCE (together with an IDS and a petition to withdraw from issue) on March 10, 2006. The IDS lacked a 37 C.F.R. 1.704(d) statement. The Office responded by mailing a new Notice of Allowance on April 5, 2006. Accordingly, under 1.704(c)(10), Applicants should have been assessed delay of twenty-seven (27) days.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

A handwritten signature in black ink, appearing to read "Kery Fries", is written over the typed name and title.

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Day : Wednesday

PALM INTRANET

Date: 9/12/2007

Time: 17:48:51

PTA Calculations for Application: 09/662217

Application Filing Date:	09/14/2000	PTO Delay (PTO):	1113
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	1086
PTO Delay Adjustment:	-27		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
59	09/12/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		27	
49	04/05/2006	MAIL NOTICE OF ALLOWANCE			
48	04/03/2006	ISSUE REVISION COMPLETED			
47	04/03/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
46	04/03/2006	NOTICE OF ALLOWABILITY			
45	03/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
44	03/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
43	11/22/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
42	03/21/2006	DATE FORWARDED TO EXAMINER			
41	03/10/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
40	03/21/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
39	03/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
37	03/10/2006	REFERENCE CAPTURE ON IDS			
36	03/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	03/13/2006	RECORD PETITION DECISION OF GRANTED TO WITHDRAW FROM ISSUE			
34	03/10/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
33	03/10/2006	PETITION ENTERED			
32	02/10/2006	MAIL EXAMINER'S AMENDMENT			

31	02/10/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
30	02/08/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
29	02/08/2006	EXAMINER'S AMENDMENT COMMUNICATION			
28	01/12/2006	ISSUE FEE PAYMENT VERIFIED			
27	11/22/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	01/12/2006	ISSUE FEE PAYMENT RECEIVED			
25	01/03/2006	PUBS CASE REMAND TO TC			
24	12/29/2005	WORKFLOW - QUERY REQUEST - BEGIN			
23	10/25/2005	EXPORT TO INITIAL DATA CAPTURE			
22	10/20/2005	MAIL NOTICE OF ALLOWANCE			
21	10/18/2005	ISSUE REVISION COMPLETED			
20	10/17/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
19	10/17/2005	NOTICE OF ALLOWABILITY			
18	10/05/2005	DATE FORWARDED TO EXAMINER			
17	09/29/2005	AMENDMENT AFTER FINAL REJECTION			
16	07/01/2005	MAIL FINAL REJECTION (PTOL - 326)			
15	06/27/2005	FINAL REJECTION			
14	04/13/2005	DATE FORWARDED TO EXAMINER			
13	03/01/2005	RESPONSE AFTER NON-FINAL ACTION			
12	12/01/2004	MAIL NON-FINAL REJECTION	1113		-1
11	11/29/2004	NON-FINAL REJECTION			
10	07/27/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	07/14/2004	CASE DOCKETED TO EXAMINER IN GAU			
8	10/16/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	01/08/2001	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
6	10/10/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	11/29/2000	CASE DOCKETED TO EXAMINER IN GAU			
4	11/01/2000	APPLICATION DISPATCHED FROM OIPE			
3	10/27/2000	CORRESPONDENCE ADDRESS CHANGE			
2	10/04/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/14/2000	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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